

House File 635 - Reprinted

HOUSE FILE 635

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 538)

(SUCCESSOR TO HSB 66)

(COMPANION TO SF 397 BY

COMMITTEE ON TRANSPORTATION)

(As Amended and Passed by the House April 15, 2015)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, providing fees, and including effective
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
AVIATION

Section 1. Section 23A.2, subsection 9, Code 2015, is amended to read as follows:

9. The state department of transportation may, in accordance with chapter 17A, provide for exemption from the application of subsection 1 for the activities related to highway maintenance, highway design and construction, publication and distribution of transportation maps, ~~state aircraft pool operations,~~ inventory sales to other state agencies and political subdivisions, equipment management and disposal, vehicle maintenance and repair services for other state agencies, and other similar essential operations.

Sec. 2. REPEAL. Section 328.38, Code 2015, is repealed.

DIVISION II
TRANSPORTATION DEPARTMENT AND COMMISSION
DEPARTMENT OF TRANSPORTATION

Sec. 3. Section 307.8, Code 2015, is amended to read as follows:

307.8 Expenses.

~~Members of the commission, the~~ The director, and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter 8.

Sec. 4. Section 307.12, subsection 1, paragraphs g and p, Code 2015, are amended to read as follows:

~~g. Appoint the deputy director of transportation and the administrators of~~ within the department.

~~p. Administer chapter 327J~~ Apply for, accept, and expend federal, state, or private funds for the improvement of transportation.

Sec. 5. Section 307.12, subsection 1, Code 2015, is amended by adding the following new paragraph:

1 NEW PARAGRAPH. *g.* Coordinate the transportation research
2 activities within the department.

3 Sec. 6. Section 307.12, subsection 2, Code 2015, is amended
4 to read as follows:

5 2. If in the interest of the state, the director may allow a
6 subsistence expense to an employee under the supervision of the
7 department's administrator ~~for highways~~ responsible for highway
8 programs and activities for continuous stay in one location
9 while on duty away from established headquarters and place
10 of domicile for a period not to exceed forty-five days; and
11 allow automobile expenses in accordance with section 8A.363,
12 for moving an employee and the employee's family from place of
13 present domicile to new domicile, and actual transportation
14 expense for moving of household goods. The household goods for
15 which transportation expense is allowed shall not include pets
16 or animals.

17 Sec. 7. Section 307.21, subsection 1, unnumbered paragraph
18 1, Code 2015, is amended to read as follows:

19 The department's administrator ~~of administrative services~~
20 responsible for the operations and finances of the department
21 shall:

22 Sec. 8. Section 307.21, subsection 7, Code 2015, is amended
23 to read as follows:

24 7. The administrator ~~of administrative services~~ may
25 purchase items from the department of administrative services
26 and may cooperate with the director of the department of
27 administrative services by providing purchasing services for
28 the department of administrative services.

29 Sec. 9. Section 307.22, Code 2015, is amended to read as
30 follows:

31 **307.22 Planning and ~~research~~ programming activities.**

32 1. The department's administrator ~~of~~ responsible for
33 transportation planning and ~~research~~ infrastructure program
34 development shall:

35 *a.* Assist the director in planning all modes of

1 transportation in order to develop an integrated transportation
2 system providing adequate transportation services for all
3 citizens of the state.

4 *b.* Develop and maintain transportation statistical data for
5 the department.

6 *c.* Assist the director in establishing, analyzing, and
7 evaluating alternative transportation policies for the state.

8 *d.* Coordinate planning ~~and research~~ duties and
9 responsibilities with the planning functions carried on by
10 other administrators of the department.

11 *e.* (1) Annually report by July 1 of each year, for both
12 secondary and farm-to-market systems, miles of earth, granular,
13 and paved surface roads; the daily vehicle miles of travel;
14 and lineal feet of bridge deck under the jurisdiction of each
15 county's secondary road department, as of the preceding January
16 1, taking into account roads whose jurisdiction has been
17 transferred from the department to a county or from a county
18 to the department during the previous year. The annual report
19 shall include those roads transferred to a county pursuant to
20 section 306.8A.

21 (2) Miles of secondary and farm-to-market roads shall not
22 include those miles of farm-to-market extensions within cities
23 under five hundred population that are placed under county
24 secondary road jurisdiction pursuant to section 306.4.

25 (3) The annual report of updated road and bridge data of
26 both the secondary and farm-to-market roads shall be submitted
27 to the Iowa county engineers association service bureau.

28 *f.* Advise and assist the director to study and develop
29 highway transport economics to assure availability and
30 productivity of highway transport services.

31 ~~*f.*~~ *g.* Perform such other planning functions as may be
32 assigned by the director.

33 2. The ~~functions~~ function of planning ~~and research~~ do does
34 not include the detailed design of highways or other modal
35 transportation facilities, but ~~are~~ is restricted to the needs

1 of this state for multimodal transportation systems.

2 Sec. 10. Section 307.24, Code 2015, is amended to read as
3 follows:

4 **307.24 Administration of ~~highways~~ highway programs and**
5 **activities.**

6 The department's administrator ~~of highways~~ is responsible
7 for the planning responsible for highway programs and
8 activities shall plan, design, construction construct, and
9 ~~maintenance of~~ maintain the state primary highways and shall
10 administer chapters 306 ~~to~~ through 306C, chapters 309 through
11 314, chapters 316 through 318, and chapter 320 and perform
12 other duties as assigned by the director. The ~~administration~~
13 ~~of highways~~ department shall be:

14 1. Be organized to provide administration assistance for
15 urban systems, ~~for~~ and secondary roads, and to provide other
16 categories of ~~administration assistance~~ as necessary.

17 2. Devise and adopt standard plans of highway construction
18 and furnish the same to the counties and provide information
19 to the counties on the maintenance practices and policies of
20 the department.

21 3. Order the removal or alteration of any lights or
22 light-reflecting devices, whether on public or private
23 property, other than railroad signals or crossing lights,
24 located adjacent to a primary road and within three hundred
25 feet of a railroad crossing at grade, which in any way
26 interfere with the vision of or may be confusing to a person
27 operating a motor vehicle on such primary road in observing
28 the approach of trains or in observing signs erected for the
29 purpose of giving warning of such railroad crossing.

30 4. Order the removal or alteration of any lights or
31 light-reflecting devices, whether on public or private
32 property, located adjacent to a primary road and within
33 three hundred feet of an intersection with another primary
34 road, which in any way interfere with the vision of or may be
35 confusing to a person operating a motor vehicle on such primary

1 road in observing the approach of other vehicles or signs
2 erected for the purpose of giving warning of such intersection.

3 5. Construct, reconstruct, improve, and maintain state
4 institutional roads and state park roads which are part of
5 the state park, state institution, and other state land road
6 system as defined in section 306.3, and bridges on such roads,
7 roads located on state fairgrounds as defined in chapter 173,
8 and the roads and bridges located on property of community
9 colleges as defined in section 260C.2, upon the request of the
10 state board, department, or commission which has jurisdiction
11 over such roads. This shall be done in such manner as may be
12 agreed upon by the state transportation commission and the
13 state board, department, or commission which has jurisdiction.
14 The commission may contract with any county or municipality for
15 the construction, reconstruction, improvement, or maintenance
16 of such roads and bridges. Any state park road which is an
17 extension of either a primary or secondary highway which both
18 enters and exits from a state park at separate points shall
19 be constructed, reconstructed, improved, and maintained as
20 provided in section 306.4. Funds allocated from the road
21 use tax fund for the purposes of this subsection shall be
22 apportioned in the following manner and amounts:

23 a. For department of natural resources facility roads,
24 forty-five and one-half percent.

25 b. For department of human services facility roads, six and
26 one-half percent.

27 c. For department of corrections facility roads, five and
28 one-half percent.

29 d. For national guard facility roads, four percent.

30 e. For state board of regents facility roads, thirty
31 percent.

32 f. For state fair board facility roads, two percent.

33 g. For department of administrative services facility roads,
34 one-half percent.

35 h. For department of education facility roads, six percent.

1 Sec. 11. Section 307.26, Code 2015, is amended to read as
2 follows:

3 **307.26 Rail and water Administration of modal programs and**
4 **activities.**

5 The department's administrator responsible for rail and
6 water modal programs and activities shall:

7 1. Advise and assist the director in ~~conducting research on~~
8 ~~the basic railroad problems and identify the present capability~~
9 ~~of the existing railroads in order to determine the present~~
10 ~~obligation of the railroads to provide acceptable levels of~~
11 public service the development of aeronautics, including but
12 not limited to the location of air terminals, accessibility
13 of air terminals by other modes of public transportation,
14 protective zoning provisions considering safety factors, noise,
15 and air pollution, facilities for private and commercial
16 aircraft, air freight facilities, and such other physical and
17 technical aspects as may be necessary to meet present and
18 future needs.

19 2. Advise and assist the director in the study of local and
20 regional transportation of goods and people including intracity
21 and intercity bus systems, dial-a-bus facilities, rural and
22 urban bus and taxi systems, the collection of data from these
23 systems, the study of the feasibility of increased government
24 subsidy assistance and the allocation of such subsidies to each
25 mass transportation system, the study of such other physical
26 and technical aspects which may be necessary to meet present
27 and future needs, and the application for, acceptance of,
28 and expending of federal, state, or private funds for the
29 improvement of mass transit.

30 ~~2.~~ 3. Advise and assist the director in the development
31 of rail transportation systems and programs for expansion of
32 improving passenger and freight services.

33 ~~3.~~ 4. Advise and assist the director in developing programs
34 in anticipation of railroad abandonment, including:

35 a. Development and evaluation of programs which will

1 encourage improvement of rail freight and the upgrading of rail
2 lines in order to improve freight service.

3 ~~b. Development of alternative modes of transportation to~~
4 ~~areas and communities which lose rail service.~~

5 ~~c.~~ b. Advise Advising the director when it may appear in
6 the best interest of the state to assume the role of advocate
7 in railroad abandonments and railroad rate schedules.

8 ~~4.~~ 5. Develop and maintain a federal-state relationship
9 of programs relating to railroad safety enforcement, track
10 standards, rail equipment, operating rules, and transportation
11 of hazardous materials.

12 6. Make surveys, plans, and estimates of cost for the
13 elimination of danger at railroad crossings on highways, and
14 confer with local and railroad officials with reference to
15 elimination of the danger.

16 ~~5.~~ 7. Advise and assist the director in the conduct of
17 research on railroad-highway grade crossings and encourage
18 and develop a safety program in order to reduce injuries or
19 fatalities including, but not limited to, the following:

20 ~~a. The implementation of a program of constructing rumble~~
21 ~~strips at grade crossings on selected hard surface roads.~~

22 ~~b.~~ a. The establishment of standards for warning devices
23 for particularly hazardous crossings or for classes of
24 crossings on highways, which standards are shall be designed
25 to reduce injuries, fatalities, and property damage. Such
26 standards shall regulate the use of warning devices and
27 signs, which shall be in addition to the requirements of
28 section 327G.2. Implementation of such standards shall be
29 the responsibility of the government agency or department
30 or political subdivision having jurisdiction and control of
31 the highway and such implementation shall be deemed adequate
32 for the purposes of railroad grade crossing protection. The
33 department, or the political subdivision having jurisdiction,
34 may direct the installation of temporary protection while
35 awaiting installation of permanent protection. A railroad

1 crossing shall not be found to be particularly hazardous for
2 any purpose unless the department has determined it to be
3 particularly hazardous.

4 ~~e.~~ b. The development and adoption of classifications of
5 crossings on public highways based upon their characteristics,
6 conditions, and hazards, and standards for warning devices,
7 signals, and signs of each crossing classification. The
8 department shall recommend a schedule for implementation
9 of the standards to the government agency, department, or
10 political subdivision having jurisdiction of the highway and
11 shall provide an annual report to the general assembly on the
12 development and adoption of classifications and standards under
13 this paragraph and their implementation, including information
14 about financing installation of warning devices, signals, and
15 signs. The department shall not be liable for the development
16 or adoption of the classifications or standards. A government
17 agency, department, or political subdivision shall not be
18 liable for failure to implement the standards. A crossing
19 warning or improvement installed or maintained pursuant to
20 standards adopted by the department under this paragraph shall
21 be deemed an adequate and appropriate warning for the crossing.

22 ~~6. Apply for, accept, and expend federal, state or private
23 funds for the improvement of rail transportation.~~

24 ~~7.~~ 8. Advise and assist the director ~~on studies for~~
25 ~~coordination of railway service with that of other~~ to assure
26 availability, efficiency, and productivity of freight and
27 passenger services and to promote the coordination of service
28 between all transportation modes.

29 ~~8.~~ 9. Advise and assist the director with studies of
30 regulatory changes deemed necessary to effectuate economical
31 and efficient railroad service.

32 ~~9.~~ 10. Advise and assist the director regarding agreements
33 with railroad corporations for the restoration, conservation,
34 or improvement of railroad as defined in section 327D.2,
35 subsection 3, on such terms, conditions, rates, rentals, or

1 subsidy levels as may be in the best interest of the state.
2 The commission may enter into contracts and agreements which
3 are binding only to the extent that appropriations have been
4 or may subsequently be made by the legislature to effectuate
5 the purposes of this subsection.

6 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,
7 328, 329, and 330.

8 12. Administer programs and activities in chapters 306D,
9 307C, 308A, and 315.

10 ~~11.~~ 13. Perform such other duties and responsibilities as
11 may be assigned by the director and the commission.

12 ~~12.~~ Advise and assist in the establishment and development
13 of railroad districts upon request.

14 ~~13.~~ Conduct innovative experimental programs relating to
15 rail transportation problems within the state.

16 ~~14.~~ Enter the role of "applicant" pursuant to the Railroad
17 Revitalization and Regulatory Reform Act of 1976, Pub. L. No.
18 94-210, and take such actions as are necessary to accomplish
19 this role.

20 ~~15.~~ Identify those segments of railroad trackage which, if
21 improved, may provide increased transportation services for
22 the citizens of this state. The department shall develop and
23 implement programs to encourage the improvement of rail freight
24 services on such railroad trackage.

25 ~~16.~~ 14. Promote river transportation and coordinate river
26 programs with other transportation modes.

27 ~~17.~~ 15. Advise and assist the director in the development
28 of river transportation and port facilities in the state.

29 Sec. 12. Section 307.27, Code 2015, is amended to read as
30 follows:

31 **307.27 Motor vehicles, motor carriers, and drivers.**

32 The department's administrator responsible for the
33 enforcement and regulation of motor carriers, registration of
34 motor vehicles, and licensing of drivers shall:

35 1. Administer and supervise the registration of motor

1 vehicles and the licensing of drivers pursuant to chapter 321.

2 2. Administer and supervise the licensing of motor vehicle
3 manufacturers, distributors, and dealers pursuant to chapter
4 322.

5 3. Administer the inspection of motor vehicles pursuant to
6 chapter 321.

7 4. Administer motor vehicle registration reciprocity
8 pursuant to chapter 326.

9 5. Administer the provisions of chapters 321A, 321E, 321F,
10 and 321J relating to motor vehicle financial responsibility,
11 the implied consent law, the movement of vehicles of excessive
12 size and weight, and the leasing and renting of vehicles.

13 The department shall contract with a third party to act as
14 the department's designated agent for the administration of
15 a motor vehicle insurance database to verify compliance with
16 the requirements of chapter 321A for a period of four years.
17 The department shall adopt rules relating to the content of
18 the database, a notification schedule for violators of chapter
19 321A, and an administrative reinstatement fee of one hundred
20 dollars that is in addition to any other penalty imposed
21 by law. The department shall also adopt rules, including
22 penalties, requiring each insurer that issues a policy to an
23 owner of a motor vehicle registered or garaged in this state
24 that includes motor vehicle liability coverage, uninsured
25 motorist coverage, or underinsured motorist coverage to submit
26 on the seventh and twenty-first day of each calendar month
27 to the department's designated agent a record that includes
28 each insured's name, date of birth, driver's license number if
29 available, the make, model, year, and vehicle identification
30 number of each insured vehicle, and the policy number and
31 effective date of each policy.

32 6. Administer the regulation of motor vehicle franchisers
33 pursuant to chapter 322A.

34 7. Administer the regulation of motor carriers pursuant to
35 chapter chapters 325A, 326, and 327B.

1 8. Administer the registration of interstate authority
2 of motor carriers pursuant to chapter 327B as provided in 49
3 U.S.C. §14504a and United States department of transportation
4 regulations.

5 9. Administer chapters 321C, 321D, 321H, 321L, 321M, and
6 322C.

7 Sec. 13. Section 307.45, Code 2015, is amended to read as
8 follows:

9 **307.45 State-owned lands — assessment.**

10 1. Cities and counties may assess the cost of a public
11 improvement against the state when the improvement benefits
12 property owned by the state and under the jurisdiction
13 and control of the ~~department's administrator of highways~~
14 department. The director shall pay from the primary road fund
15 the portion of the cost of the improvement which would be
16 legally assessable against the land if privately owned.

17 2. Assessments against property under the jurisdiction of
18 the ~~department's administrator of highways~~ department shall be
19 made in the same manner as those made against private property,
20 except that the city or county making the assessment shall
21 cause a copy of the public notice of hearing to be mailed to the
22 director by certified mail.

23 3. Assessments against property owned by the state and
24 not under the jurisdiction and control of the ~~department's~~
25 ~~administrator of highways~~ department shall be made in the same
26 manner as those made against private property and payment shall
27 be subject to authorization by the executive council. There
28 is appropriated from moneys in the general fund not otherwise
29 appropriated an amount necessary to pay the expense authorized
30 by the executive council.

31 Sec. 14. Section 307.47, subsections 1 and 3, Code 2015, are
32 amended to read as follows:

33 1. The highway materials and equipment revolving fund
34 is created from moneys appropriated out of the primary road
35 fund. From this fund shall be paid all costs for materials

1 and supplies, inventoried stock supplies, maintenance and
 2 operational costs of equipment, and equipment replacements
 3 incurred in the operation of centralized purchasing under the
 4 supervision of the ~~department's administrator of highways~~
 5 administrator responsible for highway programs and activities.
 6 Direct salaries and expenses properly chargeable to direct
 7 salaries shall be paid from the fund. For each month the
 8 ~~director~~ administrator responsible for the operations and
 9 finances of the department shall render a statement to each
 10 highway unit under the supervision of the administrator
 11 ~~of highways~~ for the actual cost of materials and supplies,
 12 operational and maintenance costs of equipment, and equipment
 13 depreciation used. The expense shall be paid by the
 14 ~~administrator of highways~~ responsible for the operations
 15 and finances of the department in the same manner as other
 16 interdepartmental billings are paid ~~and when the expense is~~
 17 ~~paid by the administrator of highways, the.~~ The sum paid shall
 18 be credited to the highway materials and equipment revolving
 19 fund.

20 3. ~~When the units under the supervision of the administrator~~
 21 ~~of highways share~~ a highway unit shares equipment with ~~other~~
 22 another administrative units unit of the department, the
 23 director shall prorate the costs of the equipment among the
 24 administrative units using the equipment.

25 Sec. 15. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,
 26 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2015,
 27 are repealed.

28 STATE TRANSPORTATION COMMISSION

29 Sec. 16. NEW SECTION. 307A.1A Transportation commission.

30 1. There is created a state transportation commission which
 31 shall consist of seven members, not more than four of whom
 32 shall be from the same political party. The governor shall
 33 appoint the members of the state transportation commission
 34 for a term of four years beginning and ending as provided by
 35 section 69.19, subject to confirmation by the senate.

1 2. The commission shall meet in May of each year for the
2 purpose of electing one of its members as chairperson.

3 Sec. 17. Section 307A.2, subsections 1 and 2, Code 2015,
4 are amended by striking the subsections and inserting in lieu
5 thereof the following:

6 1. Develop, coordinate, and annually update a comprehensive
7 transportation policy and plan for the state.

8 2. Promote the coordinated and efficient use of all
9 available modes of transportation for the benefit of the state
10 and its citizens including but not limited to the designation
11 and development of multimodal public transfer facilities if
12 carriers or other private businesses fail to develop such
13 facilities.

14 Sec. 18. Section 307A.2, subsections 3, 4, 5, 6, 7, 8, 9,
15 10, and 11, Code 2015, are amended by striking the subsections.

16 Sec. 19. Section 307A.2, subsection 12, Code 2015, is
17 amended to read as follows:

18 12. Prepare, adopt, and cause to be published a long-range
19 program for the primary road system, in conjunction with the
20 state transportation plan adopted by the commission. Such
21 program shall be prepared for a period of at least five years
22 and shall be revised, brought up-to-date, and republished at
23 least once every year in order to have a continuing five-year
24 program. The program shall include, insofar as such estimates
25 can be made, an estimate of the money expected to become
26 available during the period covered by the program and a
27 statement of the construction, maintenance, and other work
28 planned to be performed during such period. The commission
29 shall conduct periodic reinspections of the primary roads in
30 order to revise, from time to time, its estimates of future
31 needs to conform to the physical and service conditions
32 of the primary roads. ~~The commission shall annually cause~~
33 ~~to be published a sufficiency rating report showing the~~
34 ~~relative conditions of the primary roads.~~ Before the last
35 day of December of each year, the commission shall adopt and

1 cause to be published from its long-range program, a plan of
2 improvements to be accomplished during the next calendar year.
3 However, in years when the federal government is reauthorizing
4 federal highway funding, the commission shall not be required
5 to adopt and publish the annual plan of improvements to be
6 accomplished until at least ninety days from the enactment
7 of the new federal funding formula. This annual program
8 shall list definite projects in order of urgency and shall
9 include a reasonable year's work with the funds estimated to
10 be available. The annual program shall be final and followed
11 by the commission in the next year except that deviations may
12 be made in case of disaster or other unforeseen emergencies
13 or difficulties. The relative urgency of the proposed
14 improvements shall be determined by a consideration of the
15 physical condition, safety, and service characteristics of the
16 various primary roads.

17 Sec. 20. Section 307A.2, Code 2015, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 15. Approve all rules prior to their
20 adoption by the director pursuant to section 307.12, subsection
21 1, paragraph "j".

22 Sec. 21. NEW SECTION. 307A.3 **Conflict of interest.**

23 A person shall not serve as a member of the commission if
24 the person has an interest in a contract or job of work or
25 material or the profits thereof or service to be performed
26 for the department. Any member of the commission who accepts
27 employment with or acquires any stock, bonds, or other
28 interest in any company or corporation doing business with the
29 department shall be disqualified from remaining a member of the
30 commission.

31 Sec. 22. NEW SECTION. 307A.4 **Vacancies on commission.**

32 Any vacancy in the membership of the commission shall
33 be filled in the same manner as regular appointments are
34 made for the unexpired portion of the regular term. In the
35 event the governor fails to make an appointment to fill a

1 vacancy or fails to submit the appointment to the senate for
2 confirmation as required by section 2.32, the senate may make
3 the appointment prior to adjournment of the general assembly.

4 Sec. 23. NEW SECTION. 307A.5 **Compensation — commission**
5 **members.**

6 Each member of the commission shall be compensated as
7 provided in section 7E.6.

8 Sec. 24. NEW SECTION. 307A.6 **Commission meetings.**

9 The commission shall meet at the call of the chairperson or
10 when any four members of the commission file a written request
11 with the chairperson for a meeting. Written notice of the
12 time and place of each meeting shall be given to each member
13 of the commission. A majority of the commission members shall
14 constitute a quorum.

15 Sec. 25. NEW SECTION. 307A.7 **Expenses.**

16 Members of the commission shall be allowed their actual and
17 necessary expenses incurred in the performance of their duties.
18 All expenses and salaries shall be paid from appropriations for
19 such purposes and the commission shall be subject to the budget
20 requirements of chapter 8.

21 Sec. 26. NEW SECTION. 307A.8 **Removal from office.**

22 Any member of the commission may be removed for any of
23 the causes and in the manner provided in chapter 66 and such
24 removal shall not be in lieu of any other punishment that may
25 be prescribed by the laws of this state.

26 **CONFORMING AMENDMENTS**

27 Sec. 27. Section 173.16, unnumbered paragraph 1, Code 2015,
28 is amended to read as follows:

29 All expenses incurred in maintaining the state fairgrounds
30 and in conducting the annual fair on ~~it~~ the state fairgrounds,
31 including the compensation and expenses of the officers,
32 members, and employees of the board, shall be recorded by the
33 secretary and paid from the state fair receipts, unless a
34 specific appropriation has been provided for that purpose. The
35 board may request special capital improvement appropriations

1 from the state and may request emergency funding from the
2 executive council for natural disasters. The board may request
3 that the department of transportation provide maintenance in
4 accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

5 Sec. 28. Section 312.2, subsection 2, unnumbered paragraph
6 1, Code 2015, is amended to read as follows:

7 The treasurer of state shall before making the allotments
8 in subsection 1 credit annually to the highway grade crossing
9 safety fund the sum of seven hundred thousand dollars, credit
10 annually from the road use tax fund the sum of nine hundred
11 thousand dollars to the highway railroad grade crossing surface
12 repair fund, credit monthly to the primary road fund the
13 dollars yielded from an allotment of sixty-five hundredths of
14 one percent of all road use tax funds for the express purpose
15 of carrying out section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section
16 313.4, subsection 2, and section 307.45, and credit annually
17 to the primary road fund the sum of five hundred thousand
18 dollars to be used for paying expenses incurred by the state
19 department of transportation other than expenses incurred for
20 extensions of primary roads in cities. All unobligated funds
21 provided by this subsection, except those funds credited to the
22 highway grade crossing safety fund, shall at the end of each
23 year revert to the road use tax fund. Funds in the highway
24 grade crossing safety fund shall not revert to the road use tax
25 fund except to the extent they exceed five hundred thousand
26 dollars at the end of any biennium. The cost of each highway
27 railroad grade crossing repair project shall be allocated in
28 the following manner:

29 Sec. 29. Section 312.4, subsection 5, Code 2015, is amended
30 to read as follows:

31 5. The amount of the road use tax fund which has been
32 credited to carry out the provisions of section ~~307A.2~~ 307.24,
33 subsection ~~11~~ 5, section 313.4, subsection 2, and section
34 307.45.

35 Sec. 30. Section 313.4, subsection 2, Code 2015, is amended

1 to read as follows:

2 2. Such fund is also appropriated and shall be used for the
3 construction, reconstruction, improvement and maintenance of
4 state institutional roads and state park roads and bridges on
5 such roads and roads and bridges on community college property
6 as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for
7 restoration of secondary roads used as primary road detours and
8 for compensation of counties for such use, for restoration of
9 municipal streets so used and for compensation of cities for
10 such use, and for the payments required in section 307.45.

11 DIVISION III

12 MOTOR VEHICLES

13 Sec. 31. Section 321.1, subsection 36C, paragraphs b and c,
14 Code 2015, are amended to read as follows:

15 *b. "Travel trailer"* means a vehicle without motive power
16 used, manufactured, or constructed to permit its use as a
17 conveyance upon the public streets and highways and designed
18 to permit its use as a place of human habitation by one or more
19 persons. The vehicle may be up to eight feet six inches in
20 width and its overall length shall not exceed ~~forty~~ forty-five
21 feet. The vehicle shall be customarily or ordinarily used for
22 vacation or recreational purposes and not used as a place of
23 permanent habitation. If the vehicle is used in this state as
24 a place of human habitation for more than ninety consecutive
25 days in one location it shall be classed as a manufactured or
26 mobile home regardless of the size limitations provided in this
27 paragraph.

28 *c. "Fifth-wheel travel trailer"* means a type of travel
29 trailer which is towed by a pickup by a connecting device known
30 as a fifth wheel. However, this type of travel trailer may
31 have an overall length which shall not exceed ~~forty~~ forty-five
32 feet.

33 Sec. 32. Section 321.19, subsection 1, unnumbered paragraph
34 2, Code 2015, is amended to read as follows:

35 The department shall furnish, on application, free of

1 charge, distinguishing plates for vehicles thus exempted,
2 which plates except plates on state patrol vehicles shall bear
3 the word "official" and the department shall keep a separate
4 record. Registration plates issued for state patrol vehicles,
5 except unmarked patrol vehicles, shall bear two red stars
6 on a yellow background, one before and one following the
7 registration number on the plate, which registration number
8 shall be the officer's badge number. Registration plates
9 issued for county sheriff's patrol vehicles shall display one
10 seven-pointed gold star followed by the letter "S" and the call
11 number of the vehicle. However, the director of the department
12 of administrative services or the director of transportation
13 may order the issuance of regular registration plates for
14 any exempted vehicle used by peace officers or federal law
15 enforcement officers in the enforcement of the law, persons
16 enforcing chapter 124 and other laws relating to controlled
17 substances, persons in the department of justice, the alcoholic
18 beverages division of the department of commerce, disease
19 investigators of the Iowa department of public health, the
20 department of inspections and appeals, and the department of
21 revenue, who are regularly assigned to conduct investigations
22 which cannot reasonably be conducted with a vehicle displaying
23 "official" state registration plates, persons who are
24 federal agents or officers regularly assigned to conduct
25 investigations which cannot reasonably be conducted with a
26 vehicle displaying "official" registration plates, persons in
27 the Iowa lottery authority whose regularly assigned duties
28 relating to security or the carrying of lottery tickets cannot
29 reasonably be conducted with a vehicle displaying "official"
30 registration plates, persons in the economic development
31 authority who are regularly assigned duties relating to
32 existing industry expansion or business attraction, and mental
33 health professionals or health care professionals who provide
34 off-site or in-home medical or mental health services to
35 clients of publicly funded programs. For purposes of sale of

1 exempted vehicles, the exempted governmental body, upon the
 2 sale of the exempted vehicle, may issue for in-transit purposes
 3 a pasteboard card bearing the words "Vehicle in Transit", the
 4 name of the official body from which the vehicle was purchased,
 5 together with the date of the purchase plainly marked in at
 6 least one-inch letters, and other information required by the
 7 department. The in-transit card is valid for use only within
 8 forty-eight hours after the purchase date as indicated on the
 9 bill of sale which shall be carried by the driver.

10 Sec. 33. Section 321.189, subsection 6, Code 2015, is
 11 amended to read as follows:

12 6. *Licenses issued to persons under age twenty-one.* A
 13 driver's license issued to a person under eighteen years of
 14 age shall contain the same information as any other driver's
 15 license except that the words "under eighteen" shall appear
 16 prominently on the face of the license. A driver's license
 17 issued to a person eighteen years of age or older but less than
 18 twenty-one years of age shall contain the same information
 19 as any other driver's license except that the words "under
 20 twenty-one" shall appear prominently on the face of the
 21 license. Upon attaining the age of eighteen or upon attaining
 22 the age of twenty-one, and upon payment of a ~~one~~ ten dollar
 23 fee, the person shall be entitled to a new driver's license
 24 or nonoperator's identification card for the unexpired months
 25 of the driver's license or card. An instruction permit or
 26 intermediate license issued under section 321.180B, subsection
 27 1 or 2, shall include a distinctive color bar. An intermediate
 28 license issued under section 321.180B, subsection 2, shall
 29 include the words "intermediate license" printed prominently on
 30 the face of the license.

31 Sec. 34. Section 321.215, Code 2015, is amended by adding
 32 the following new subsection:

33 NEW SUBSECTION. 5. Notwithstanding any provision of
 34 this chapter to the contrary, the department may issue a
 35 temporary restricted license to a person eligible for a

1 temporary restricted license under this section if the person
2 is also eligible for a temporary restricted license under
3 section 321J.20, provided the requirements of each section are
4 satisfied.

5 Sec. 35. Section 321E.29, subsection 2, unnumbered
6 paragraph 1, Code 2015, is amended to read as follows:

7 Annual permits may be issued for vehicles with divisible
8 loads of hay, straw, ~~or~~ stover, or bagged livestock bedding
9 without a finding of special or emergency situations if the
10 movement meets the requirements of this chapter, provided the
11 following limits are not exceeded:

12 Sec. 36. Section 321J.20, Code 2015, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 9. Notwithstanding any provision of
15 this chapter to the contrary, the department may issue a
16 temporary restricted license to a person eligible for a
17 temporary restricted license under this section if the person
18 is also eligible for a temporary restricted license under
19 section 321.215, provided the requirements of each section are
20 satisfied.

21 Sec. 37. Section 321L.2, subsection 3, paragraph b,
22 subparagraph (1), Code 2015, is amended to read as follows:

23 (1) A statement printed on it as follows: ~~"Unauthorized~~
24 ~~use of this placard as indicated in Iowa Code chapter 321L may~~
25 ~~result in a fine, invalidation of the placard, or revocation of~~
26 ~~the right to use the placard. This placard shall be displayed~~
27 ~~only when the vehicle is parked in a persons with disabilities~~
28 ~~parking space or in a parking space not designated as a persons~~
29 ~~with disabilities parking space if a wheelchair parking cone~~
30 ~~is used pursuant to Iowa Code section 321L.2A."~~ "Remove from
31 mirror before operating vehicle."

32 Sec. 38. Section 322.5, subsection 2, paragraph a,
33 subparagraph (2), Code 2015, is amended to read as follows:

34 (2) Display, offer for sale, and negotiate sales of new
35 motor vehicles at fair events, as defined in chapter 174, the

1 state fair, as discussed in chapter 173, vehicle shows, and
2 vehicle exhibitions, upon application for and receipt of a
3 temporary permit issued by the department. Such activities
4 may only be conducted at a fair events event, the state fair,
5 a vehicle shows show, and or a vehicle exhibitions that are
6 exhibition, if the fair event, state fair, vehicle show, or
7 vehicle exhibition is held in the motor vehicle dealer's
8 community, as defined in section 322A.1, for the vehicles
9 that are displayed and offered for sale. A sale of a motor
10 vehicle by a motor vehicle dealer shall not be completed and an
11 agreement for the sale of a motor vehicle shall not be signed
12 at a fair event, the state fair, a vehicle show, or a vehicle
13 exhibition. All such sales shall be consummated at the motor
14 vehicle dealer's principal place of business.

15 Sec. 39. Section 322C.2, subsection 10, Code 2015, is
16 amended to read as follows:

17 10. "*Travel trailer*" means a vehicle without motive power
18 used or so manufactured or constructed as to permit its being
19 used as a conveyance upon the public streets and highways and
20 designed to permit the vehicle to be used as a place of human
21 habitation by one or more persons. The vehicle may be up to
22 eight feet six inches in width and its overall length shall
23 not exceed forty forty-five feet. "*Travel trailer*" does not
24 include a vehicle that is so designed as to permit it to be
25 towed exclusively by a motorcycle.

26 Sec. 40. Section 326.14, subsection 3, Code 2015, is amended
27 to read as follows:

28 3. An application for renewal of registration shall
29 be postmarked or received in the office of motor carrier
30 services of the department no later than the last day of the
31 registration expiration month. A ~~five percent~~ late filing
32 penalty equal to five percent of the fees due to the state of
33 Iowa shall be assessed to an application for renewal postmarked
34 or received on or after the first day following the last day
35 of the registration expiration month, with an additional five

1 percent penalty assessed the first of each month thereafter
2 until the application is filed. The enforcement deadline
3 for failure to display a registration plate and registration
4 is 12:01 a.m. of the first day following the last day of the
5 registration expiration month.

6 Sec. 41. Section 326.16, subsections 2 and 3, Code 2015, are
7 amended to read as follows:

8 2. A ~~five percent~~ late payment penalty equal to five percent
9 of the fees due to the state of Iowa shall be assessed if an
10 invoice is not paid within thirty days of the invoice date,
11 with an additional five percent penalty assessed the first of
12 each month thereafter until all fees and penalties are paid.
13 In addition, the fees due for registration in this state shall
14 be a debt due to the state of Iowa.

15 3. Failure to receive a renewal notice or an invoice by
16 mail, facsimile transmission, or any other means of delivery
17 does not relieve the registrant of the financial responsibility
18 for the renewal fees, invoiced amount, or accrued penalties.
19 Late penalties calculated by the department in accordance with
20 this chapter shall remain due to the state of Iowa until the
21 fees and penalties are received.

22 Sec. 42. EFFECTIVE DATE. The following provisions of this
23 division of this Act take effect January 1, 2016:

24 1. The section of this Act amending section 326.14.

25 2. The section of this Act amending section 326.16.

26 DIVISION IV

27 RAIL TRANSPORTATION

28 Sec. 43. REPEAL. Sections 327F.14, 327F.18, 327F.19,
29 327F.20, 327F.26, 327F.34, 327F.35, 327G.13, 327G.14, 327G.22,
30 327G.23, 327G.28, and 327H.25, Code 2015, are repealed.

31 DIVISION V

32 COMMERCIAL LEARNER'S PERMITS

33 Sec. 44. Section 321.1, subsections 11 and 20A, Code 2015,
34 are amended to read as follows:

35 11. For purposes of administering and enforcing the

1 commercial driver's license provisions:

2 *a.* "Commercial driver" means the operator of a commercial
3 motor vehicle.

4 *b.* "Commercial driver's license" means ~~a driver's license~~
5 ~~valid for the operation of a commercial motor vehicle~~
6 commercial driver's license as defined in 49 C.F.R. §383.5.

7 *c.* "Commercial driver's license information system" means
8 the national information system established to serve as a
9 clearinghouse for locating information related to the licensing
10 and identification of commercial motor vehicle drivers.

11 *d.* "Commercial learner's permit" means commercial learner's
12 permit as defined in 49 C.F.R. §383.5.

13 ~~*e.*~~ *e.* "Commercial motor carrier" means a person responsible
14 for the safe operation of a commercial motor vehicle.

15 ~~*f.*~~ *f.* "Commercial motor vehicle" means a motor vehicle
16 or combination of vehicles used to transport passengers or
17 property if any of the following apply:

18 (1) The combination of vehicles has a gross combination
19 weight rating or gross combination weight, whichever is
20 greater, of twenty-six thousand one or more pounds ~~provided~~
21 ~~the,~~ including a towed vehicle or vehicles have having a gross
22 weight rating or gross ~~combination~~ vehicle weight rating,
23 whichever is greater, of ten thousand one or more pounds.

24 (2) The motor vehicle has a gross vehicle weight rating
25 or gross vehicle weight, whichever is greater, of twenty-six
26 thousand one or more pounds.

27 (3) The motor vehicle is designed to transport sixteen
28 or more persons, including the operator, or is of a size and
29 design to transport sixteen or more persons, including the
30 operator, but is redesigned or modified to transport less than
31 sixteen persons with disabilities.

32 (4) The motor vehicle is used in the transportation of
33 hazardous material of a type or quantity requiring vehicle
34 placarding.

35 ~~*g.*~~ *g.* "Employer" means any person, including the United

1 States, a state, the District of Columbia, or a political
 2 subdivision of a state, who owns or leases a commercial motor
 3 vehicle or assigns an employee to operate such a vehicle.

4 ~~g.~~ h. "Foreign jurisdiction" means a jurisdiction outside
 5 the fifty United States, and the District of Columbia, and
 6 Canada.

7 ~~h.~~ i. "Nonresident commercial driver's license" means a
 8 commercial driver's license issued to a person ~~who is not~~
 9 ~~a resident of the United States or Canada~~ domiciled in a
 10 foreign jurisdiction meeting the requirements of 49 C.F.R.
 11 §383.23(b)(1), or to a person domiciled in another state
 12 meeting the requirements of 49 C.F.R. §383.23(b)(2).

13 j. "Nonresident commercial learner's permit" means a
 14 commercial learner's permit issued to a person domiciled in
 15 a foreign jurisdiction meeting the requirements of 49 C.F.R.
 16 §383.23(b)(1), or to a person domiciled in another state
 17 meeting the requirements of 49 C.F.R. §383.23(b)(2).

18 ~~i.~~ k. "Tank vehicle" means a commercial motor vehicle
 19 that is designed to transport any liquid or gaseous materials
 20 within a tank or tanks having an individual rated capacity
 21 of more than one hundred nineteen gallons and an aggregate
 22 rated capacity of one thousand gallons or more that is either
 23 permanently or temporarily attached to the vehicle or chassis.
 24 ~~For purposes of this paragraph, "tank" does not include a~~
 25 ~~portable tank with a rated capacity of less than one thousand~~
 26 ~~gallons or a permanent tank with a rated capacity of one~~
 27 ~~hundred nineteen gallons or less.~~ A commercial motor vehicle
 28 transporting an empty storage container tank not designed for
 29 transportation with a rated capacity of one thousand gallons
 30 or more that is temporarily attached to a flatbed trailer is
 31 not considered a tank vehicle.

32 20A. "Driver's license" means any license or permit issued
 33 to a person to operate a motor vehicle on the highways of this
 34 state, including but not limited to a temporary restricted or
 35 temporary license and an instruction, chauffeur's instruction,

1 commercial ~~driver's instruction~~ learner's permit, or temporary
2 permit. For purposes of license suspension, revocation, bar,
3 disqualification, cancellation, or denial under this chapter
4 and chapters 321A, 321C, and 321J, "driver's license" includes
5 any privilege to operate a motor vehicle.

6 Sec. 45. Section 321.12, subsection 2, Code 2015, is amended
7 to read as follows:

8 2. Operating records relating to a person who has been
9 issued a commercial driver's license or commercial learner's
10 permit shall be maintained on file in accordance with rules
11 adopted by the department.

12 Sec. 46. Section 321.56, subsection 3, Code 2015, is amended
13 to read as follows:

14 3. For purposes of this section, "*commercial motor vehicle*"
15 means as defined in section 321.1, subsection 11, paragraph "e"
16 "f", subparagraph (2).

17 Sec. 47. Section 321.174, subsections 2 and 3, Code 2015,
18 are amended to read as follows:

19 2. a. A person operating a commercial motor vehicle shall
20 not have more than one driver's license. A nonresident may
21 operate a commercial motor vehicle in Iowa if the nonresident
22 has been issued a license by another state, a nonresident
23 commercial driver's license or nonresident commercial learner's
24 permit, or a driver's license issued by a foreign jurisdiction
25 which the federal highway administration has determined to be
26 issued in conformity with the federal commercial driver testing
27 and licensing standards, if the license, commercial driver's
28 license, commercial learner's permit, or driver's license is
29 valid for the vehicle operated.

30 b. A person who operates a commercial motor vehicle upon the
31 highways of this state without having been issued a driver's
32 license valid for the vehicle operated commits a simple
33 misdemeanor.

34 c. A person who operates a commercial motor vehicle upon the
35 highways of this state after the person's commercial driver's

1 license or commercial learner's permit has been downgraded to
2 a noncommercial status pursuant to section 321.207 commits a
3 simple misdemeanor.

4 3. A licensee shall have the licensee's driver's license
5 in immediate possession at all times when operating a motor
6 vehicle and shall display the same upon demand of a judicial
7 magistrate, district associate judge, district judge, peace
8 officer, or examiner of the department. If the licensee has
9 been issued a commercial learner's permit, the licensee's
10 driver's license includes both the licensee's commercial
11 learner's permit and the licensee's underlying commercial or
12 noncommercial driver's license. However, a person charged
13 with violating this subsection shall not be convicted and the
14 citation shall be dismissed by the court if the person produces
15 to the clerk of the district court, prior to the licensee's
16 court date indicated on the citation, a driver's license issued
17 to that person and valid for the vehicle operated at the time
18 of the person's arrest or at the time the person was charged
19 with a violation of this section. Upon dismissal, the court or
20 clerk of court shall assess the costs of the action against the
21 defendant named on the citation.

22 Sec. 48. Section 321.177, subsection 8, Code 2015, is
23 amended to read as follows:

24 8. To any person to operate a commercial motor vehicle
25 unless the person is eighteen years of age or older and the
26 person qualifies under federal and state law to be issued a
27 commercial driver's license or commercial learner's permit in
28 this state.

29 Sec. 49. Section 321.180, subsection 2, Code 2015, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 2. a. The department shall adopt rules to administer
33 commercial learner's permits in compliance with the procedures
34 set forth in 49 C.F.R. §383.73. An applicant for a commercial
35 learner's permit must hold a valid class A, B, C, or D driver's

1 license issued in this state, must be at least eighteen years
2 of age, and must meet the qualifications to obtain a valid
3 commercial driver's license, including the requirements set
4 forth in section 321.188, except for the required driving
5 skills test.

6 *b.* A commercial learner's permit shall be a separate
7 document from a commercial or noncommercial driver's license.
8 A person operating a vehicle pursuant to a commercial learner's
9 permit shall have both the commercial learner's permit and the
10 commercial or noncommercial driver's license issued to the
11 person within the person's possession.

12 *c.* A commercial learner's permit shall be valid for a period
13 not to exceed one hundred eighty days. A commercial learner's
14 permit may be renewed for an additional one hundred eighty days
15 without retaking the general and endorsement knowledge tests
16 required by section 321.188.

17 *d.* A commercial learner's permit shall be valid for the
18 operation of a commercial motor vehicle only when the permit
19 holder is accompanied by a holder of a valid commercial
20 driver's license with the proper commercial driver's license
21 group designation and endorsements necessary to operate the
22 commercial motor vehicle, and who is at all times physically
23 present in the front passenger seat of the vehicle, or in the
24 case of a passenger vehicle, directly behind or in the first
25 row behind the permit holder in a position to directly observe
26 and supervise the permit holder.

27 (1) When a commercial learner's permit is issued to the
28 holder of a commercial driver's license, this paragraph "d"
29 only applies to the operation of a commercial motor vehicle for
30 which the permit holder's commercial driver's license is not
31 valid.

32 (2) When a commercial learner's permit is issued to the
33 holder of a noncommercial driver's license, this paragraph "d"
34 only applies to the operation of a commercial motor vehicle.

35 *e.* The issuance of a commercial learner's permit is a

1 precondition to the initial issuance of a commercial driver's
2 license. The issuance of a commercial learner's permit is also
3 a precondition to the upgrade of a commercial driver's license
4 if the upgrade requires a driving skills test. The holder of a
5 commercial learner's permit is not eligible to take a driving
6 skills test required by section 321.188 for the first fourteen
7 days after the permit holder is issued the permit.

8 *f.* A commercial learner's permit is not valid for the
9 operation of a vehicle transporting hazardous materials as
10 defined in 49 C.F.R. §383.5.

11 Sec. 50. Section 321.180, subsection 4, Code 2015, is
12 amended to read as follows:

13 4. The instruction permit, chauffeur's instruction permit,
14 and commercial ~~driver's instruction~~ learner's permit are
15 subject to suspension or revocation for the same reasons and
16 in the same manner as suspension or revocation of a driver's
17 license.

18 Sec. 51. Section 321.182, subsection 3, Code 2015, is
19 amended to read as follows:

20 3. Certify that the applicant has no other driver's license
21 and certify that the applicant is a resident of this state
22 as provided in section 321.1A. However, certification of
23 residency is not required for an applicant for a nonresident
24 commercial driver's license ~~who is a foreign national~~
25 ~~temporarily present in this state, as determined by the~~
26 department or nonresident commercial learner's permit.

27 Sec. 52. Section 321.188, subsections 1 and 6, Code 2015,
28 are amended to read as follows:

29 1. The department shall adopt rules to administer
30 commercial driver's licenses in compliance with the procedures
31 set forth in 49 C.F.R. §383.73. Before the department issues,
32 renews, or upgrades a commercial driver's license and in
33 addition to the requirements of section 321.182, the license
34 applicant shall do all of the following:

35 *a.* Certify whether the applicant is subject to and meets

1 applicable driver qualifications of 49 C.F.R. pt. 391 as
2 adopted by rule by the department.

3 *b.* Certify the applicant is not subject to any commercial
4 driver's license disqualification and has committed no
5 offense and has not acted in a manner which either alone or
6 with previous actions or offenses could result in commercial
7 driver's license disqualification.

8 *c.* Successfully pass knowledge tests and driving skills
9 tests, provide self-certification of type of driving, and
10 provide a medical examiner's certificate prepared by a medical
11 examiner, as defined in 49 C.F.R. §390.5, and provide all other
12 required information, proofs, and certificates, as required by
13 rule by the department. The rules adopted shall substantially
14 comply with the federal minimum testing and licensing
15 requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as
16 adopted by rule by the department. Except as required under
17 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's
18 license is renewable without a driving skills test within one
19 year after its expiration date.

20 *d.* Certify the vehicle to be operated in the driving skills
21 tests ~~represents the largest class of vehicle~~ is representative
22 of the class of motor vehicle the applicant will operate on the
23 highway.

24 *e.* Certify that the applicant is a resident of Iowa or a
25 resident of a foreign jurisdiction.

26 *f.* Identify all states where the applicant has been licensed
27 to drive any type of motor vehicle during the previous ten
28 years.

29 6. *a.* The department may waive the requirement that an
30 applicant pass a driving skills test specified in this section
31 for an applicant who is on active duty in the military service,
32 or who has separated from such service in the ~~last ninety~~
33 ~~days~~ past year, who certifies that during the two-year period
34 immediately preceding application for a commercial driver's
35 license, all of the following apply:

1 (1) The applicant has not had more than one driver's
2 license, other than a military license.

3 (2) The applicant has not had any driver's license
4 suspended, revoked, or canceled.

5 (3) The applicant has not been convicted of an offense
6 committed while operating any type of motor vehicle that is
7 listed as a disqualifying offense in 49 C.F.R. §383.51(b).

8 (4) The applicant has not had more than one conviction for
9 an offense committed while operating any type of motor vehicle
10 that is listed as a serious traffic violation in 49 C.F.R.
11 §383.51(c).

12 (5) The applicant has not had a conviction for a violation
13 of a military, state, or local law relating to motor vehicle
14 traffic control, other than a parking violation, arising in
15 connection with any traffic accident and has no record of a
16 traffic accident in which the applicant was at fault.

17 *b.* An applicant for a waiver of the driving skills test
18 under this subsection shall certify and provide evidence as
19 required by the department that the following apply:

20 (1) The applicant is regularly employed or was regularly
21 employed within the ~~last ninety days~~ past year in a military
22 position requiring operation of a commercial motor vehicle.

23 (2) The applicant was exempt from commercial driver
24 licensing requirements pursuant to section 321.176A, subsection
25 3, or a comparable law of another state implementing 49 C.F.R.
26 §383.3(c).

27 (3) The applicant was operating a motor vehicle
28 representative of the class of motor vehicle the applicant
29 operates or expects to operate for at least two years
30 immediately preceding honorable separation from military
31 service as evidenced by the person's certificate of release or
32 discharge from active duty, commonly referred to as a DD214.

33 *c.* An applicant who obtains a driving skills test waiver
34 under this subsection shall take and successfully pass the
35 knowledge test required pursuant to subsection 1.

1 Sec. 53. Section 321.189, subsection 2, paragraph b, Code
2 2015, is amended to read as follows:

3 *b.* A commercial driver's license shall include the
4 licensee's address as required under federal regulations, and
5 the words "commercial driver's license" or "CDL" shall appear
6 prominently on the face of the license. A commercial learner's
7 permit shall include the permit holder's address as required
8 under federal regulations, and the words "commercial learner's
9 permit" or "CLP" with a statement that the permit is invalid
10 unless accompanied by the permit holder's underlying driver's
11 license shall appear prominently on the face of the permit. If
12 the applicant is a nonresident, the license must conspicuously
13 display the word "~~nonresident~~" "nondomiciled".

14 Sec. 54. Section 321.191, subsections 1, 4, 7, and 9, Code
15 2015, are amended to read as follows:

16 1. *Instruction permits.* The fee for an instruction
17 permit, other than a special instruction permit, chauffeur's
18 instruction permit, or commercial ~~driver's instruction~~
19 learner's permit, is six dollars. The fee for a special
20 instruction permit is ten dollars. The fee for a chauffeur's
21 instruction permit or commercial ~~driver's instruction~~ learner's
22 permit is twelve dollars.

23 4. *Commercial driver's licenses.* The fee for a commercial
24 driver's license, other than an ~~instruction~~ a commercial
25 learner's permit, for the operation of a commercial motor
26 vehicle is eight dollars per year of license validity.

27 7. *Endorsements and removal of ~~air brake~~ restrictions.* The
28 fee for a double/triple trailer endorsement, tank vehicle
29 endorsement, ~~and~~ or hazardous materials endorsement is
30 five dollars for each endorsement. The fee for a passenger
31 endorsement or a school bus endorsement is ten dollars. The
32 fee for removal of an air brake, full air brake, manual
33 transmission, tractor-trailer, or passenger vehicle restriction
34 on a commercial driver's license or commercial learner's
35 permit is ten dollars. Fees imposed under this subsection

1 for endorsements or removal of restrictions are valid for the
 2 period of the license. Upon renewal of a commercial driver's
 3 license, no fee is payable for retaining endorsements or the
 4 removal of ~~the air brake~~ a restriction for those endorsements
 5 or restrictions which do not require the taking of either a
 6 knowledge or a driving skills test for renewal.

7 9. *Upgrading a license class privilege — fee adjustment.*

8 a. If an applicant wishes to upgrade a license class
 9 privilege, the fee charged shall be prorated on full-year
 10 fee increments of the new license in accordance with rules
 11 adopted by the department. The expiration date of the new
 12 license shall be the expiration date of the currently held
 13 driver's license. The fee for a commercial driver's license
 14 endorsement, the removal of ~~an air brake~~ a restriction, or a
 15 commercial ~~driver's license instruction~~ learner's permit shall
 16 not be prorated.

17 b. As used in this subsection "*to upgrade a license class*
 18 *privilege*" means to add any privilege to a valid driver's
 19 license. The addition of a privilege includes converting
 20 from a noncommercial to a commercial license, converting from
 21 a noncommercial class C to a class D license, converting an
 22 instruction or learner's permit to a class license, adding any
 23 privilege to a section 321.189, subsection 7, license, adding
 24 an instruction or learner's permit privilege, adding a section
 25 321.189, subsection 7, license to an instruction or learner's
 26 permit, and adding any privilege relating to a driver's license
 27 issued to a minor under section 321.194 or 321.178.

28 Sec. 55. Section 321.196, subsections 1 and 4, Code 2015,
 29 are amended to read as follows:

30 1. Except as otherwise provided, if the licensee is between
 31 the ages of seventeen years eleven months and seventy-two years
 32 on the date of issuance of the license, a driver's license,
 33 other than an instruction permit, chauffeur's instruction
 34 permit, or commercial ~~driver's instruction~~ learner's permit
 35 issued under section 321.180, expires eight years from the

1 licensee's birthday anniversary occurring in the year of
2 issuance, but not to exceed the licensee's seventy-fourth
3 birthday. If the licensee is under the age of seventeen
4 years eleven months or age seventy-two or over, the license
5 is effective for a period of two years from the licensee's
6 birthday anniversary occurring in the year of issuance. A
7 licensee whose license is restricted due to vision or other
8 physical deficiencies may be required to renew the license
9 every two years. If a licensee is a foreign national who is
10 temporarily present in this state, the license shall be issued
11 only for the length of time the foreign national is authorized
12 to be present as verified by the department, not to exceed two
13 years.

14 4. The department in its discretion may authorize the
15 renewal of a valid driver's license other than a commercial
16 driver's license or commercial learner's permit upon
17 application without an examination provided that the applicant
18 meets one of the following conditions:

19 a. The applicant satisfactorily passes a vision test as
20 prescribed by the department.

21 b. The applicant files a vision report in accordance with
22 section 321.186A which shows that the applicant's visual acuity
23 level meets or exceeds those required by the department.

24 c. The applicant is eligible for license renewal
25 electronically, pursuant to rules adopted by the department.
26 An applicant shall not be eligible for electronic renewal of
27 a driver's license if the most recent previous renewal of the
28 applicant's driver's license occurred electronically.

29 Sec. 56. Section 321.201, subsection 2, Code 2015, is
30 amended to read as follows:

31 2. a. Upon cancellation of a commercial driver's license or
32 commercial learner's permit for providing false information or
33 committing fraud in the application, the applicant shall not
34 operate a commercial motor vehicle in this state and shall not
35 be issued a license valid to operate a commercial motor vehicle

1 for a period of sixty days.

2 b. The department shall disqualify the commercial driver's
3 license or commercial learner's permit of a person convicted or
4 suspected of fraud related to the testing for or issuance of
5 a commercial driver's license or commercial learner's permit.
6 The department shall adopt rules to administer this paragraph
7 that substantially comply with 49 C.F.R. §383.73(k).

8 Sec. 57. Section 321.204, subsection 2, Code 2015, is
9 amended to read as follows:

10 2. The department shall notify the commercial driver's
11 license information system and the commercial motor vehicle
12 administrator in the licensing state, if applicable, of the
13 disqualification of a commercial driver within ten days of any
14 of the following:

15 a. The disqualification of the commercial driver under
16 section 321.201 or section 321.208 if the disqualification is
17 for sixty days or more.

18 b. The suspension or revocation of a commercial driver's
19 license or commercial learner's permit if the suspension or
20 revocation is for sixty days or more.

21 c. The cancellation of a commercial driver's license or
22 commercial learner's permit.

23 Sec. 58. Section 321.206, Code 2015, is amended to read as
24 follows:

25 **321.206 Surrender of license — duty of court.**

26 If a person is convicted in court of an offense for which
27 this chapter requires mandatory revocation of the person's
28 driver's license or, if the person's license is a commercial
29 driver's license or commercial learner's permit and the
30 conviction disqualifies the person from operating a commercial
31 motor vehicle, the court shall require the person to surrender
32 the driver's license held by the person and the court shall
33 destroy the license or forward the license together with a
34 record of the conviction to the department as provided in
35 section 321.491.

1 Sec. 59. Section 321.207, Code 2015, is amended to read as
2 follows:

3 **321.207 Downgrade of commercial driver's license or**
4 **commercial learner's permit.**

5 The department shall adopt rules for downgrading a
6 commercial driver's license or commercial learner's permit to
7 a noncommercial status upon a driver's failure to provide a
8 medical examiner's certificate as required pursuant to section
9 321.188, subsection 1, paragraph "c", or upon a driver's failure
10 to provide a self-certification of type of driving as required
11 pursuant to section 321.188, subsection 1, paragraph "c". The
12 rules shall substantially comply with 49 C.F.R. §383.71 and
13 383.73, as adopted by rule by the department.

14 Sec. 60. Section 321.208, subsection 1, paragraph b, Code
15 2015, is amended to read as follows:

16 **b.** Operating a commercial motor vehicle when, as a result
17 of prior violations committed while operating a commercial
18 motor vehicle, the person's commercial driver's license or
19 commercial learner's permit is revoked, suspended, or canceled
20 or the person is disqualified from operating a commercial motor
21 vehicle.

22 Sec. 61. Section 321.208, subsection 2, unnumbered
23 paragraph 1, Code 2015, is amended to read as follows:

24 A person is disqualified from operating a commercial motor
25 vehicle for one year upon a conviction or final administrative
26 decision that the person has committed any of the following
27 acts or offenses in any state or foreign jurisdiction while
28 operating a commercial motor vehicle or while operating a
29 noncommercial motor vehicle and holding a commercial driver's
30 license or commercial learner's permit:

31 Sec. 62. Section 321.208, subsections 3, 5, and 6, Code
32 2015, are amended to read as follows:

33 **3.** A person is disqualified from operating a commercial
34 motor vehicle for three years if an act or offense described
35 in subsection 1 or 2 occurred while the person was operating

1 a commercial motor vehicle transporting hazardous material ~~of~~
2 ~~a type or quantity requiring vehicle placarding~~ materials as
3 defined in 49 C.F.R. §383.5.

4 5. A person is disqualified from operating a commercial
5 motor vehicle for life upon a conviction that the person used a
6 ~~commercial or noncommercial~~ motor vehicle in the commission of
7 a felony or aggravated misdemeanor involving the manufacturing,
8 distributing, or dispensing of a controlled substance as
9 defined in section 124.101. A person is disqualified from
10 operating a commercial motor vehicle for life upon a conviction
11 that the person used a noncommercial motor vehicle in the
12 commission of a felony or aggravated misdemeanor involving the
13 manufacturing, distributing, or dispensing of a controlled
14 substance as defined in section 124.101 and held a commercial
15 driver's license or commercial learner's permit at the time the
16 offense was committed.

17 6. A person is disqualified from operating a commercial
18 motor vehicle if the person receives convictions for committing
19 within any three-year period two or more of the following
20 offenses while operating a commercial motor vehicle, or
21 while operating a noncommercial motor vehicle and holding a
22 commercial driver's license or commercial learner's permit
23 if the convictions result in the revocation, cancellation,
24 or suspension of the person's commercial driver's license,
25 commercial learner's permit, or noncommercial motor vehicle
26 driving privileges:

27 a. Operating a commercial motor vehicle upon a highway
28 when not issued a commercial driver's license or commercial
29 learner's permit.

30 b. Operating a commercial motor vehicle upon a highway when
31 not issued the proper class of commercial driver's license,
32 commercial learner's permit, or endorsements for the specific
33 vehicle group being operated or for the passengers or type of
34 cargo being transported.

35 c. Operating a commercial motor vehicle upon a highway

1 without immediate possession of a commercial driver's license
2 or commercial learner's permit valid for the vehicle operated.

3 *d.* Speeding fifteen miles per hour or more over the legal
4 speed limit.

5 *e.* Reckless driving.

6 *f.* Any violation of the traffic laws, except a parking
7 violation or a vehicle weight violation, which arises in
8 connection with a fatal traffic accident.

9 *g.* Following another motor vehicle too closely.

10 *h.* Improper lane changes in violation of section 321.306.

11 *i.* Violating a state or local law or ordinance on motor
12 vehicle traffic control prohibiting texting while driving a
13 commercial motor vehicle.

14 *j.* Violating a state or local law or ordinance on motor
15 vehicle traffic control restricting or prohibiting the use of
16 a hand-held mobile telephone while driving a commercial motor
17 vehicle.

18 Sec. 63. Section 321.208, subsection 9, paragraph b, Code
19 2015, is amended to read as follows:

20 *b.* For one year upon conviction for the first violation
21 and for not less than three years and not more than five years
22 upon conviction for a second or subsequent violation of an
23 out-of-service order while transporting hazardous materials
24 ~~required to be placarded~~ as defined in 49 C.F.R. §383.5,
25 or while operating a commercial motor vehicle designed to
26 transport more than fifteen passengers including the driver.

27 Sec. 64. Section 321.208, subsection 12, paragraph b, Code
28 2015, is amended to read as follows:

29 *b.* The effective date of disqualification shall be thirty
30 days after notification. Immediate notice of disqualification
31 may be served on a person operating a commercial motor vehicle
32 who refused to submit to a test or whose test results indicate
33 an alcohol concentration of 0.04 or more by the peace officer
34 administering the chemical test or, notwithstanding chapter
35 17A, the department may notify the person by first class

1 mail. If immediate notice is served, the peace officer shall
2 take the commercial driver's license or commercial learner's
3 permit of the driver, if issued within the state, and issue a
4 temporary commercial driver's license or commercial learner's
5 permit effective for only thirty days. The peace officer shall
6 immediately send the person's commercial driver's license or
7 commercial learner's permit to the department in addition to
8 the officer's certification required by this subsection.

9 Sec. 65. Section 321.208, subsection 13, Code 2015, is
10 amended to read as follows:

11 13. Upon notice, the disqualified person shall surrender
12 the person's commercial driver's license or commercial
13 learner's permit to the department and the department may issue
14 a driver's license valid only to operate a noncommercial motor
15 vehicle upon payment of ~~a one-dollar~~ the fee for a replacement
16 driver's license under section 321.195. The department shall
17 notify the commercial driver's license information system
18 of the disqualification if required to do so under section
19 321.204.

20 Sec. 66. Section 321.208A, subsection 1, Code 2015, is
21 amended to read as follows:

22 1. A person required to hold a commercial driver's license
23 or commercial learner's permit to operate a commercial motor
24 vehicle shall not operate a commercial motor vehicle on the
25 highways of this state in violation of an out-of-service order
26 issued by a peace officer for a violation of the out-of-service
27 rules adopted by the department. A driver who violates an
28 out-of-service order commits a simple misdemeanor and shall
29 be subject to a fine of not less than two thousand five
30 hundred dollars upon conviction for the first violation of an
31 out-of-service order and not less than five thousand dollars
32 for a second or subsequent violation of an out-of-service order
33 in separate incidents within a ten-year period.

34 Sec. 67. Section 321.215, subsection 4, Code 2015, is
35 amended to read as follows:

1 4. The temporary restricted license is not valid to operate
2 a commercial motor vehicle if a commercial driver's license
3 or commercial learner's permit is required for the person's
4 operation of the commercial motor vehicle.

5 Sec. 68. Section 321.218, subsection 4, Code 2015, is
6 amended to read as follows:

7 4. A person who operates a commercial motor vehicle upon
8 the highways of this state when disqualified from operating the
9 commercial motor vehicle under section 321.208 or the imminent
10 hazard provisions of 49 C.F.R. §383.52 commits a serious
11 misdemeanor if a commercial driver's license or commercial
12 learner's permit is required for the person to operate the
13 commercial motor vehicle.

14 Sec. 69. Section 321J.1, subsection 7, Code 2015, is amended
15 to read as follows:

16 7. "*Driver's license*" means any license or permit issued
17 to a person to operate a motor vehicle on the highways of this
18 state, including but not limited to a driver's, commercial
19 driver's, temporary restricted, or temporary license and an
20 instruction, chauffeur's instruction, commercial ~~driver's~~
21 ~~instruction~~ learner's, or temporary permit.

22 Sec. 70. Section 321J.8, subsection 1, paragraph c,
23 subparagraph (2), Code 2015, is amended to read as follows:

24 (2) If the person is operating a noncommercial motor
25 vehicle and holding a commercial driver's license or commercial
26 learner's permit as defined in section 321.1 and either refuses
27 to submit to the test or submits to the test and the results
28 indicate the presence of a controlled substance or other drug
29 or an alcohol concentration equal to or in excess of the level
30 prohibited by section 321J.2, the person is disqualified from
31 operating a commercial motor vehicle for the applicable period
32 under section 321.208 in addition to any revocation of the
33 person's driver's license or nonresident operating privilege
34 which may be applicable under this chapter.

35 Sec. 71. Section 321J.13, subsection 6, paragraph c, Code

1 2015, is amended to read as follows:

2 *c.* Such a holding by the court in the criminal action is
3 binding on the department, and the department shall rescind
4 the revocation. If the offense for which the revocation
5 was imposed was committed while the person was operating a
6 noncommercial motor vehicle and holding a commercial driver's
7 license or commercial learner's permit and the department
8 disqualified the person from operating a commercial motor
9 vehicle under section 321.208, subsection 2, paragraph "a" or
10 "b", as a result of the revocation, the department shall also
11 rescind the disqualification.

12 Sec. 72. Section 321J.20, subsection 5, Code 2015, is
13 amended to read as follows:

14 5. A person holding a temporary restricted license issued
15 by the department under this section shall not operate a
16 commercial motor vehicle on a highway if a commercial driver's
17 license or commercial learner's permit is required for the
18 person's operation of the commercial motor vehicle.

19 Sec. 73. Section 321M.1, subsections 1 and 5, Code 2015, are
20 amended to read as follows:

21 1. "*Commercial driver's license*" means a driver's license
22 valid for the operation of a commercial motor vehicle,
23 including a commercial learner's permit, as regulated by
24 chapter 321.

25 5. "*Driver's license*" means any license or permit issued
26 to a person to operate a motor vehicle on the highways of this
27 state, including but not limited to a driver's, commercial
28 driver's, temporary restricted, or temporary license and an
29 instruction, chauffeur's instruction, ~~commercial driver's~~
30 ~~instruction~~ learner's, or temporary permit.

31 Sec. 74. EMERGENCY RULES. The department of transportation
32 may adopt rules on an emergency basis as provided in section
33 17A.4, subsection 3, and section 17A.5, subsection 2,
34 paragraph "b", to implement the provisions of this division
35 of this Act relating to the department's administration of

1 commercial learner's permits and commercial driver's licenses
2 in compliance with the procedures set forth in 49 C.F.R.
3 §383.73 pursuant to this division of this Act, and the rules
4 shall be effective immediately upon filing unless a later
5 date is specified in the rules. Any emergency rule adopted
6 in accordance with this section shall also be published as
7 a notice of intended action as provided in section 17A.4,
8 subsection 1.

9 Sec. 75. EFFECTIVE UPON ENACTMENT. The provisions of this
10 division of this Act relating to emergency rules, being deemed
11 of immediate importance, take effect upon enactment.